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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/560,809

Applicant(s)

IWATA ET AL.

Examiner

JAMES HWA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/15/2005; 11/28/2007.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-19 are pending in this office action. This action is responsive to Applicant's application filed 12/015/2005.

### **Information Disclosure Statement**

2. The Applicants' Information Disclosure Statements, filed on June 5, 2007 and December 1, 2007, have been received and entered into the record. Since the Information Disclosure Statements complies with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached forms PTO-1449.

### **Claim Objections**

3. Claims 6-7 and 9-10 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 5 and 8. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of the title.

4. Claims 11-13 and 16-19 are rejected under 35 U.S.C.101 because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result

in a practice application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

The claims 11-13, 16 and 18-19 lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or act to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

As to claims 11-12 are recite "a recording server". Claim 13 is recite "a terminal device". Claim 16 is recite "a computer-readable program to cause a computer to execute a program counting operation" and Claims 18-19 are recite "an integrated circuit for use in a recording server".

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that

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the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

As to claim 17 is recite "a computer-readable storage medium storing a computer-readable program".

The claim fails to place the invention squarely within one statutory class of invention.

On page 18, line 7 of the instant specification, applicant has provided evidence that applicant intends the "medium" to include waves. As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefor not a composition of matter.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 13 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. (US Patent No. 6,968,364 B1, hereinafter "Wong").

As to claim 13, Wong teaches the claimed limitations:

"A terminal device" as the client system utilizes a television set as both a display device and an audio output device (column 3, lines 14-16; see also elements 40 of figure 1B).

"a receiving unit operable to receive a designation of a program to be recorded from a user" as the personal video recorder (PVR) system receives broadcast programs from a service provider, such as in the form of cable television, satellite, or another source of programming (column 2, lines 21-23).

"a selecting unit operable to select a user profile to which the user belongs, out of a plurality of user profiles" as the selection criteria may be stored as part of a preprogrammed user profile (e.g., stored in the user profile database) (column 29, lines 59-61; see also element 678 of figure 13).

"a transmitting unit operable to transmit recording instruction information to an external device, the recording instruction information including a program ID identifying the program to be recorded and user profile information indicating the user profile to which the user belongs" as an IR interface is coupled to the bus for detecting IR signals transmitted by remote control (column 12, lines 56-57).

One example of intelligent recording enables a user to program one or more keywords that are searched for on the EPG program listings stored at the PVR (column 2, lines 62-64). One type of VTR system employs a feature that enables a user to record a pre-selected program by entering a unique program identification number associated with a specific program (column 1, lines 50-53). The translation function may employ the PVR GUID to search the user profile database to locate an appropriate

tuning space database associated with a PVR so that corresponding local programming data may be provided for each translation request (column 32, lines 33-40).

“a reception unit operable to receive, from the external device, selected program information showing a one-to-one correspondence between (i) a plurality of pieces of program information that respectively indicate programs and (ii) a plurality of pieces of user profile information which respectively represent the plurality of user profiles; and a presenting unit operable to extract a piece of program information corresponding to the user profile to which the user belongs, from the selected program information and present the extracted piece of program information to the user” as a token may be received at the local computer from another remote computer by any data communications mechanism. Each token includes program criteria representing a specific audio and/or visual program in a known format that may be employed to program a recording system to record a corresponding broadcast program based on the corresponding token (column 3, lines 59-65). The token service system may receive program information from the program selection system directly, from the transport system during transport to the recording system and/or from the recording system via the transport system (column 6, lines 44-47).

The program identification number, which may be found in a printed television listing, corresponds to programming information (e.g., channel, time, duration) that is set by the VTR to record the particular program when it is broadcast (column 1, lines 53-57). The selection criteria may be stored as part of a preprogrammed user profile (e.g.,

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stored in the user profile database) or stored in response to selection criteria that did not yield satisfactory results (column 29, lines 59-64).

The I/O devices, for example, may include interfaces that connect to external peripheral devices, such as a user input device and a display device (column 17, lines 15-19; see also element 390 of figure 4).

As to claim 19, Wong teaches the claimed limitations:

“An integrated circuit for use in a terminal device including a receiving unit operable to receive, from an external device, a rule to select, out of a plurality of user profiles, a user profile to which a user belongs” as the client system utilizes a television set as both a display device and an audio output device (column 3, lines 14-15).

“a rule storing unit operable to store the rule received by the receiving unit” as a server computer that provides an interface to which a user may connect for sorting through information and program criteria stored in one or more databases in association with the subscription (column 18, lines 21-24).

“a selecting unit operable to select the user profile to which the user belongs, out of the plurality of user profiles, based on the rule stored in the rule storing unit” as the selection criteria may be stored as part of a preprogrammed user profile (e.g., stored in the user profile database) or stored in response to selection criteria that did not yield satisfactory results user (column 29, lines 59-63).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (US Patent No. 6,968,364 B1) in view of Mori et al. (US Patent Application No. 2004/0210932 A1, hereinafter "Mori").

As to claim 1, Wong teaches the claimed limitations:

"A network recording system including a terminal device and a recording server which are connected to a network" as a system and method to facilitate selection of an audio and/or visual program having a token that may be employed to program operation of an associated audio/visual system (column 1, lines 19-21).

"the terminal device comprising" as the client system utilizes a television set as both a display device and an audio output device (column 3, lines 14-16; see also elements 40 of figure 1B).

“a receiving unit operable to receive a designation of a program to be recorded, from a user” as the personal video recorder (PVR) system receives broadcast programs from a service provider, such as in the form of cable television, satellite, or another source of programming (column 2, lines 21-23).

“a selecting unit operable to select a user profile to which the user belongs, out of a plurality of user profiles” as the selection criteria may be stored as part of a preprogrammed user profile (e.g., stored in the user profile database) (column 29, lines 59-61; see also element 678 of figure 13).

“a transmitting unit operable to transmit recording instruction information to the recording server, the recording instruction information including a combination of a program ID identifying the program to be recorded and user profile information showing the user profile to which the user belongs” as an IR interface is coupled to the bus for detecting IR signals transmitted by remote control (column 12, lines 56-57). One example of intelligent recording enables a user to program one or more keywords that are searched for on the EPG program listings stored at the PVR (column 2, lines 62-64).

One type of VTR system employs a feature that enables a user to record a pre-selected program by entering a unique program identification number associated with a specific program (column 1, lines 50-53).

“the recording server” as a local computer (e.g., a PC, a PDA, etc.) that may connect to a server system through a network infrastructure (column 3, lines 39-41; see also element 2 of figure 1A and element 20 of figure 1B).

“a reception unit operable to receive the recording instruction information from the terminal device” as a token may be received at the local computer from another remote computer by any data communications mechanism. Each token includes program criteria representing a specific audio and/or visual program in a known format that may be employed to program a recording system to record a corresponding broadcast program based on the corresponding token (column 3, lines 59-65).

“a recording unit operable to record the program identified by the program ID included in the recording instruction information” as a WebTV-based client system may include a digital recording device to enable a user to record selected programs and provide other enhanced features while viewing a program (column 3, lines 22-26).

The program identification number, which may be found in a printed television listing, corresponds to programming information (e.g., channel, time, duration) that is set by the VTR to record the particular program when it is broadcast (column 1, lines 53-57).

Wong does not explicitly teach the claimed limitation “a counting unit operable to count, for each of the plurality of user profiles, a number of times each program ID has been received by the reception unit”.

Mori teaches the automatic preselection criteria generating unit then sorts programs included in the preselected program history information according to their genres, counts the number of programs (second number) of each genre viewed or preselected for recording by the user in the past two weeks, and divides the second number by the first number to obtain the selection rate of each genre (page 10, paragraph 0234; see also column 2 of figure 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Wong and Mori before him/her, to modify Wong a counting unit because that would enhance the program selection from the content-intensive Web according to the program interests of the user as taught by Mori (column 40, lines 6-10).

As to claim 2, Wong teaches the claimed limitations:

“the recording server” as a server system through a network infrastructure (column 3, lines 39-41; see also element 2 of figure 1A and element 20 of figure 1B).

“a rule generating unit operable to generate a rule to select the user profile to which the user belongs” as the selection criteria may be packaged and sent to the server following a predetermined schema having agreed upon elements and attributes for identifying the program characteristics (column 30, lines 7-11). The selection criteria may be stored as part of a preprogrammed user profile (column 29, lines 59-61; see also element 678 of figure 13).

“a transmission unit operable to transmit the generated rule to the terminal device” as an IR interface is coupled to the bus for detecting IR signals transmitted by remote control (column 12, lines 56-57).

“the terminal device” as the client system utilizes a television set as both a display device and an audio output device (column 3, lines 14-15).

“a rule storing unit operable to receive and store the rule transmitted from the recording server” as a server computer that provides an interface to which a user may

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connect for sorting through information and program criteria stored in one or more databases in association with the subscription (column 18, lines 21-24).

“the selecting unit selects the user profile to which the user belongs, based on the rule stored in the rule storing unit” as the selection criteria may be stored as part of a preprogrammed user profile (e.g., stored in the user profile database) or stored in response to selection criteria that did not yield satisfactory results user (column 29, lines 59-63).

As to claim 3, Wong teaches the claimed limitations:

“the recording server” as a server system through a network infrastructure (column 3, lines 39-41; see also element 2 of figure 1A and element 20 of figure 1B).

“a selection unit operable to select a plurality of programs in one-to-one correspondence with the plurality of user profiles, based on a result of the counting performed by the counting unit” as the selection criteria may be stored as part of a preprogrammed user profile (e.g., stored in the user profile database 678) or stored in response to selection criteria that did not yield satisfactory results (column 29, lines 59-64).

“the transmission unit generates selected program information and transmits the selected program information to the terminal device, the selected program information showing a one-to-one correspondence between (i) a plurality of pieces of program information that indicate the plurality of programs selected by the selection unit and (ii) a plurality of pieces of user profile information that represent the plurality of user profiles” as a PVR GUID uniquely identifies each PVR, such as may be registered with the server and stored in a user profile database. The translation function may employ the

PVR GUID to search the user profile database to locate an appropriate tuning space database associated with a PVR so that corresponding local programming data may be provided for each translation request (column 32, lines 33-40).

“the terminal device” as the client system utilizes a television set as both a display device and an audio output device (column 3, lines 14-15).

“a presenting unit operable to receive the selected program information from the recording server, and present the selected program information to the user” as the I/O devices, for example, may include interfaces that connect to external peripheral devices, such as a user input device and a display device (column 17, lines 15-19; see also element 390 of figure 4).

As to claim 4, Wong teaches the claimed limitations:

“the presenting unit extracts a piece of program information corresponding to the user profile to which the user belongs, from the selected program information, and presents the extracted piece of program information to the user” as the token decoder extracts token information from a token. For example, a user may select a token with a user input device from which DVR programming may be implemented (column 15, lines 27-31; see also elements 110, 120 of figure 2).

As to claims 5-7, Wong teaches the claimed limitations:

“the terminal device” as the client system utilizes a television set as both a display device and an audio output device (column 3, lines 14-15).

“a program guide information obtaining unit operable to obtain program guide information showing program IDs and corresponding genre IDs that represent program genres of programs identified by the program IDs” as an example of a graphical representation of an electronic program guide (column 5, lines 19-21; see also figure 9). A token is a formatted program identifier that identifies a program with sufficient detail so that a recording system may employ the token to record the program represented by the token (column 23, line 66 to column 24, line 1).

“a history storing unit operable to, every time the receiving unit receives a designation of a program to be recorded” as each time a token is translated, pertinent information also may be collected and stored at the server, such as part of the ratings database. The ratings database 676, for example, may store information about the viewership of each program, about the viewing history of each individual or recording system, the viewing history within a local tuning space (column 33, lines 58-64).

Wong does not explicitly teach the claimed limitation “determine a genre ID corresponding to a program ID identifying the program to be recorded with reference to the program guide information count and record therein a number of times the genre ID is designated by the user; selecting unit selects the user profile to which the user belongs, based on a result of the counting performed by the history storing unit and the rule stored in the rule storing unit”.

Mori teaches a program recording apparatus holds a user profile that shows preferences of the user, and automatically records a program whose program information matches any of the user preferences in the user profile (page 1, paragraph 0012).

This automatic preselection table has entries for automatic preselection ID, setting name, start time, stop time, channel number, day of the week, keyword, genre, celebrity, and priority (page 3, paragraph 0082; see also figure 3).

Selection rates corresponding to genres, the genre Variety Show has the highest selection rate (page 10, paragraph 0236; see also second column of figure 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Wong and Mori before him/her, to modify Wong a result of the counting performed by the history storing unit because that would enhance the program selection from the content-intensive Web according to the program interests of the user as taught by Mori (column 40, lines 6-10).

As to claims 8-10, Wong teaches the claimed limitations:

“the receiving unit receives an input of personal information from the user, and the selecting unit selects the user profile to which the user belongs, based on the personal information and the rule stored in the rule storing unit” as a server computer that provides an interface to which a user may connect for sorting through information and program criteria stored in one or more databases in association with the subscription (column 18, lines 21-24). A personal video recorder (PVR) GUID uniquely identifies each PVR, such as may be registered with the server and stored in a user profile database (column 32, lines 33-35).

As to claim 11, Wong teaches the claimed limitations:

"A recording server" as a local computer that may connect to a server system through a network infrastructure (column 3, lines 39-41; see also element 2 of figure 1A and element 20 of figure 1B).

"a reception unit operable to receive, from an external device, recording instruction information including a combination of a program ID identifying a program and user profile information indicating a user profile to which a user belongs" as a token may be received at the local computer from another remote computer by any data communications mechanism (column 3, lines 59-65; see also elements 384, 386 of figure 4).

the composite program may include a combination of a network program segments and commercials customized for an individual user or a group of users in a particular tuning space (column 32, lines 24-27).

"a recording unit operable to record the program identified by the program ID included in the recording instruction information" as a WebTV-based client system may include a digital recording device to enable a user to record selected programs and provide other enhanced features while viewing a program (column 3, lines 22-26). The program identification number, which may be found in a printed television listing, corresponds to programming information (e.g., channel, time, duration) that is set by the VTR to record the particular program when it is broadcast (column 1, lines 53-57).

Wong does not explicitly teach the claimed limitation "a counting unit operable to count, for each of a plurality of user profiles, a number of times each program ID has been received by the reception unit".

Mori teaches the automatic preselection criteria generating unit then sorts programs included in the preselected program history information according to their genres, counts the number of programs (second number) of each genre viewed or preselected for recording by the user in the past two weeks, and divides the second number by the first number to obtain the selection rate of each genre (page 10, paragraph 0234; see also column 2 of figure 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Wong and Mori before him/her, to modify Wong a counting unit because that would enhance the program selection from the content-intensive Web according to the program interests of the user as taught by Mori (column 40, lines 6-10).

As to claim 12 is rejected under 35 U.S.C 103(a), the limitations therein have substantially the same scope as claim 3. Therefore this claim is rejected for at least the same reasons as claim 3.

As to claim 14, the limitation therein has substantially the same scope as claim 1, except the claimed limitation "a designated program counting system; including a combination of a program ID identifying the designated program".

Wong teaches one type of VTR system employs a feature that enables a user to record a pre-selected program by entering a unique program identification number associated with a specific program. The program identification number, which may be found in a printed television listing, corresponds to programming information (e.g.,

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channel, time, duration) that is set by the VTR to record the particular program when it is broadcast (column 1, lines 50-57).

Wong does not explicitly teach the claimed limitation "a designated program counting system".

Mori teaches the automatic preselection criteria generating unit then sorts programs included in the preselected program history information according to their genres, counts the number of programs of each genre viewed or preselected for recording by the user (page 10, paragraph 0234; see also second column of figure 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Wong and Mori before him/her, to modify Wong a counting unit because that would enhance the program selection from the content-intensive Web according to the program interests of the user as taught by Mori (column 40, lines 6-10).

As to claim 15, Wong teaches the claimed limitations:

"A recording-instructed program counting method" as a method to facilitate selection and programming operation of an audio/visual system, such as to record a predetermined audio/visual program when it is broadcast (column 3, lines 36-39).

"receiving recording instruction information including a combination of a program ID and user profile information" as the data structure also may include a tuning space database, a token database, a stored selection database, a ratings database, and a user profile database. Those skilled in the art will understand and appreciate that other

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databases (alternatively or additionally) may be used to store and access pertinent information at the server (column 29, lines 37-43). A notification and/or one or more tokens, containing a program globally unique identifier (GUID) corresponding to the selection criteria may subsequently be provided to the user (column 30, lines 42-50).

“recording a program identified by the program ID included in the recording instruction information” as one type of VTR system employs a feature that enables a user to record a pre-selected program by entering a unique program identification number associated with a specific program (column 1, lines 50-53).

Wong does not explicitly teach the claimed limitation “counting a number of times, for each of a plurality of user profiles, each program ID has been received in the receiving step”.

Mori teaches the automatic preselection criteria generating unit then sorts programs included in the preselected program history information according to their genres, counts the number of programs of each genre viewed or preselected for recording by the user (page 10, paragraph 0234; see also second column of figure 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Wong and Mori before him/her, to modify Wong counting a number of times for user profiles and program ID because that would enhance the program selection from the content-intensive Web according to the program interests of the user as taught by Mori (column 40, lines 6-10).

As to claims 16-17 are rejected under 35 U.S.C 103(a), the limitations therein have substantially the same scope as claim 15. In addition, Wong teaches a computer-readable medium having computer-executable instructions for filtering through information at a server system in response to a request from a remote computer to provide a filtered representation of one or more audio and/or visual programs (column 4, lines 29-33). Therefore these claims are rejected for at least the same reasons as claim 15.

As to claim 18, Wong teaches the claimed limitations:

“An integrated circuit for use in a recording server” as the functions performed by the box under the control of the processor may result from software instructions executed by the box and/or from operation of hardwired circuitry (column 12, lines 19-22).

“a transmission unit operable to transmit, to a terminal device, a rule to select, out of a plurality of user profiles, a user profile to which a user belongs” as the selection criteria may be stored as part of a preprogrammed user profile (e.g., stored in the user profile database) (column 29, lines 59-61; see also element 678 of figure 13).

“a reception unit operable to receive recording instruction information including a combination of a program ID identifying a program to be recorded and user profile information indicating the user profile to which the user belongs” as a token may be received at the local computer from another remote computer by any data communications mechanism. Each token includes program criteria representing a specific audio and/or visual program in a known format that may be employed to program a

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recording system to record a corresponding broadcast program based on the corresponding token (column 3, lines 59-65).

The program identification number, which may be found in a printed television listing, corresponds to programming information that is set by the VTR to record the particular program when it is broadcast (column 1, lines 53-57).

The user profile database, for example, may include a PVR GUID and data identifying the tuning space for each user/recording system. The user profile database enables the server applications and functions to determine sufficient details about the local tuning space for each client system (column 31, lines 50-55).

The composite program may include a combination of a network program segments and commercials customized for an individual user or a group of users in a particular tuning space (column 32, lines 24-27).

“a recording unit operable to record the program indicated by the program ID included in the recording instruction information” as a personal video recorder system may provide enhanced recording capabilities and enhanced television functionality (column 2, lines 49-50). A determination is made as to whether a corresponding program ID based on the selection criteria. A program ID may exist, for example, when the program database includes programming data for a scheduled program broadcast (column 42, lines 62-66).

“the integrated circuit” as the outputs of the audio converter 210 and the video encoder are combined by conventional circuitry to provide the link to the television (column 12, lines 47-50).

"a rule generating unit operable to generate the rule" as the selection criteria may be packaged and sent to the server following a predetermined schema having agreed upon elements and attributes for identifying the program characteristics (column 30, lines 7-11).

Wong does not explicitly teach the claimed limitation "a counting unit operable to count, for each of the plurality of user profiles, a number of times each program ID has been received by the reception unit".

Mori teaches the automatic preselection criteria generating unit then sorts programs included in the preselected program history information according to their genres, counts the number of programs of each genre viewed or preselected for recording by the user (page 10, paragraph 0234; see also second column of figure 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Wong and Mori before him/her, to modify Wong a counting unit operable to count because that would enhance the program selection from the content-intensive Web according to the program interests of the user as taught by Mori (column 40, lines 6-10).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nashida et al. (US Patent Application 2002/0013945 A1).

Franco (US Patent Application. 2002/0046407 A1).

Iwata et al. (US Patent Application 2006/0130106 A1).

### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hwa whose telephone number is 571-270-1285.

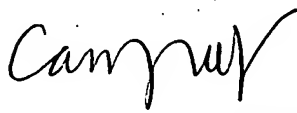
The examiner can normally be reached on 8:00 – 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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02/20/2008

  
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